



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Joseph E. Roberts
Environmental, Safety, & Health Manager
Benjamin Moore Paints DBA
Complementary Coatings Corp.
4701 O'Donnell Street
Baltimore, MD 21224

Re: Notice of Violation
Compliance Evaluation Inspection
September 5, 2012

Docket No.: R3-14-NOV-RCRA-07

Dear Mr. Roberts:

On September 5, 2012, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Complementary Coatings Corp. ("the Facility" or "Complementary Coatings") located in Baltimore, Maryland under the federally authorized Code of Maryland Regulations ("COMAR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the CEI, EPA has determined that Complementary Coatings has violated regulations under COMAR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the September 5, 2012 EPA CEI, the EPA inspector observed an open satellite accumulation area ("SAA") container on the Mezzanine Level Production Area labeled with the words "Hazardous Waste Satellite Accumulation." Please refer to Photo #4 and Photo #5, as referenced in the EPA inspection report Photographic Log that was previously provided as an attachment to the August 5, 2013 EPA information request letter. The EPA inspector also observed an open SAA container labeled as "Chemical Soaked Rags & Paper" located at the Ground Level Production Area. Please refer to Photo #8 and Photo #9 included in the Photographic Log. Based on the information gathered during the EPA CEI, the Facility failed to keep both containers of hazardous waste closed when not adding or removing waste in violation of COMAR 26.13.05.09D, as referenced in COMAR 26.13.03.05E(1)(d), which references COMAR 26.13.05.09.
2. During the September 5, 2012 EPA CEI, the EPA inspector observed a 55-gallon metal container labeled with the words "Hazardous Waste Satellite Accumulation" on the Ground Level Production Area. Please refer to Photo #10 included in the Photographic

Log. Metal piping that transfers solvent and resin from the Mezzanine Level Production Area was inserted into the open bung of the container. Based on observations made during the CEI and from follow-up information gathering, the spent solvent and resin is generated in the Mezzanine Level Production Area from hose shake-off and drippings from the piping manifold, which are collected in an open drip tray that conveys the solvent and resin towards the piping and container in the Ground Level Production Area.

Since the container located on the Ground Level Production Area receives waste from the open tray on the Mezzanine Level Production Area, the container does not qualify for the SAA container exemption per COMAR § 26.13.03.05.E(3), because the container is open, and the container is not located at or near the point of generation where the wastes initially accumulate. Based on the information gathered during and after the EPA CEI, the Facility failed to mark the container of hazardous waste with the accumulation start date in violation of the COMAR 26.13.03.05.E(1)(e), and failed to keep the container closed when not adding or removing in violation of COMAR 26.13.05.09D, as referenced in COMAR 26.13.03.05E(1)(d), which references COMAR 26.13.05.09.

3. During the September 5, 2012 EPA CEI, the EPA inspector observed a 55-gallon container fitted with a funnel in the QC Lab. Please refer to Photo #23 in the Photographic Log. The container was closed, undated, and it was not labeled with the words "Hazardous Waste" or labeled with words describing its content. The wall above the container was labeled with the words "Hazardous Waste Satellite Accumulation Station." Mr. Roberts indicated the container is used to accumulate spent solvent generated in the QC Lab. Based on the observations made during the EPA CEI, the Facility failed to mark the container with the words "Hazardous Waste" or with words to describe the content of the container in accordance with COMAR 26.13.03.05E(3)(b).
4. During the September 5, 2012 EPA CEI, the EPA inspector observed the Facility's hazardous waste accumulation area. At the time of the inspection, the EPA inspector noted that one of the hazardous waste containers was not dated with the accumulation start date. The Facility failed to mark the container of hazardous waste with the accumulation start date in violation of the COMAR 26.13.03.05.E(1)(e).
5. During the September 5, 2012 EPA CEI, the EPA inspector observed a closed container labeled with the words "Hazardous Waste Satellite Accumulation" located in the Production Lab. Please refer to Photo #34 in the Photographic Log. Mr. Roberts indicated that the hazardous waste solvent collected in this container is generated from another room in the Production Lab, which was observed by EPA inspectors in Photo #35 in the Photographic Log.

Based on the information gathered during the September 5, 2012 EPA CEI, the container in the Production Lab noted above does not qualify for the SAA container exemption per COMAR 26.13.03.05.E(3), because the container receives hazardous waste generated from another room in the Production Lab, and is no longer under the control of the operator of the process generating the waste. Since the container of hazardous waste does not meet the SAA container requirements, it should have been marked with the date upon

which the period of accumulation of hazardous waste began. Therefore, the Facility failed to mark the container of hazardous waste with the accumulation start date in violation of the COMAR § 26.13.03.05.E(1)(e).

6. During the September 5, 2012 EPA CEI, in the Production Lab, the EPA inspector observed three closed containers, which are each used to collect solvent contaminated debris. Please refer to Photo #37, #38, and Photo #39 in the Photographic Log. Two of the containers were labeled with the words "Solid Hazardous Waste Disposal Only." According to Facility personnel, when full, each of the containers is emptied into a SAA container located in the Facility's Production Area.

Based on the information gathered during the September 5, 2012 EPA CEI, since the container in the Facility Production Area receives solvent contaminated debris hazardous waste generated in the Production Lab, the container in the Production Area does not qualify for the SAA container exemption per COMAR § 26.13.03.05.E(3). Therefore, the container in the Production Area receiving the hazardous waste generated from the Production Lab should be marked with the accumulation start date in accordance with COMAR 26.13.03.05.E(1)(e).

Areas of Concern

During the September 5, 2012 EPA CEI, the EPA inspector observed containers of universal waste lamps in the Maintenance Shop that were open and not properly labeled in accordance with 40 CFR Part 273. Please contact the Maryland Department of the Environment regarding the appropriate management of your universal waste lamp waste stream per COMAR.

Additionally, for further EPA guidance on hazardous waste management in SAA containers, please review "Frequent Questions About Satellite Accumulation Areas" at: <http://www.epa.gov/osw/hazard/generation/labwaste/memo-saa.htm>.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.


With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed Attachment A, which might be applicable to your company. This enclosure provides information on contacting the SBREFA

Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410) 305-3429.



Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement

Feb 11, 2014
Date

Enclosures

cc: A. Ma (3LC70)
T. DiFiore (3LC70)
B. Coblentz (MDE)